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THREE LETTERS

TO

A Member of Parliament.

[Price Eighteen Pence.]

1775

Great Britain, Colonies
North America

ERRATA

- P. 30 — l. 15 — r. of the Protectors.
34 — 7 — r. his *Ethic* lucubrations,
38 — 22 — for probable r. *palpable*.
39 — 8 — for Taxes r. *Taxors*.

LONDON

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MDCCLXXXV

**T H R E E
L E T T E R S**

T O A

MEMBER of PARLIAMENT,

On the Subject of

THE PRESENT DISPUTE

A T A

W I T H O U R

AMERICAN COLONIES.

Amantium iræ, Amoris redintegratio est.

L O N D O N,

Printed for T. LOWNDES, No. 54, Fleet-Street.

MDCCLXXV.

THE

LETTERS

TO A

MEMBER OF PARLIAMENT,

On the subject of

THE PRESENT DISPUTE

WITH OUR

AMERICAN COLONIES.

Amman, (p), Amman registration etc.

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Printed for T. LOWNDEN, No. 25, Fleet Street.

MDCCLXXV.



LETTER I.

S I R,

YOU are desirous to know my reasons for the opinion I lately gave, “ that “ the pleas set up in justification of “ our violent proceedings against our Ame- “ can brethren, cannot be defended on con- “ stitutional ground.”

We have been told,

1. That it is the indispensable duty of Parliament to tax the Colonies, in order to *ease the gentry and people of Great Britain*:
2. That the sovereign power of our Parliament over the Colonies, extends to *all cases whatsoever*; and this necessarily includes the power of taxing them *ad libitum*.

I have ranged these two positions in the order in which they stand, because I verily believe, that the second, or assertion of a power, was an emanation of the first, or an assertion of the duty of Parliament; though, in regular strictness, the power ought to have preceded the duty; but, taking them as they stand, we are to infer, that the duty

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and the power were not only mutually necessary to each other, but creative of each other. It was necessary that the gentry and people of Great Britain should be eased in their taxes: but in what manner? Not by disbanding the host of placemen and pensioners, nor reducing the military establishment, nor stopping up the drains of corrupt influence, nor by introducing a reasonable portion of frugality into our system of finance; but, by throwing a burthen on the Colonies, and a burthen of that nature that none but slaves could possibly endure. Who these *gentle folks* and *vulgar folks* are, that are proposed to be eased or gratified by this measure, I have not been so happy as to discover; but we may venture to think, and without offence I hope to any one's dignity, that if we should succeed in making *milch-cows* of all our American provinces, and that two millions a year should be added by this stroke of power to our national revenue, we shall not pay a farthing the less for the shoes we wear, the bread we eat, or the beer we drink. The immense encrease of value to which the lands of this kingdom have attained, and the like encreased value of our annual commerce, do not prove that we are ruined by taxes; the Dutch pay more in taxes, and yet are rich: Whether therefore an additional million or two is wanted,

wanted, either to add more pensioners to the list, or to buy up more borough-interest, or for any other such national purpose, it matters not; *It is wanted*: and to supply this want, (as it seemed unlikely to be gratified by reasonable and natural means) a supernatural power must be called in, which, like the genii of oriental romance, or the familiar dæmons of modern superstition, may play all sorts of tricks, and fetch us mountains of treasure at our word of command. In order to tax the Colonies to the *full measure*, it was necessary perhaps to make them slaves; it might be suggested, that *Omnipotence* could enslave them, and accordingly we have voted ourselves omnipotent*. This attribute indeed it is almost blasphemy to ascribe to any except the Deity: and when we affix it to our idea of parliamentary power, we can with propriety intend no more than, by a bold and figurative allusion to the Divine power (which is ever exerted for the happiness of his creatures throughout the world,) to signify that our Parliament is all-powerful in consulting, propounding, and enacting, rules for the general good and welfare of the subject. In the like sense we use the maxim, that “the King can do no wrong.” But a very

* Blackst. Comm.

material distinction to be taken is, that the infinite power of the Deity is directed by infinite wisdom and infinite goodness, and can never err; whereas our Kings and our Parliaments are fallible beings. An omnipotence to do good, and an omnipotence to do wrong, cannot consist together in one and the same being, for the one must absorb or counteract the other; when therefore we speak of omnipotence in Parliament, we can only mean a plenitude of power vested in it for the public benefit and happiness—*Omne potest quod de jure potest*, not a power *contra jus*; — for our constitution knows no power uncircumscribed by reason, and our law is therefore said to be the perfection of human reason.—This then is the line or orbit to which the power of our Parliament is restricted, and beyond which, whenever it deviates, it ceases to be *binding*; upon this principle Lord Coke, who declares * *Parliamentum omnia potest*, yet observes at the same time that an act of parliament, to abridge, restrain, suspend, qualify, or null, the power of subsequent Parliaments, is *not* binding, because it is against the power and jurisdiction of the Parliament, *the liberty of the subject*, and *unreasonable*, (i. e.) *illegal*. So an act 11 Rich.

II. c. 3, "That no man against whom any
 " judgement or forfeiture was given should
 " sue for pardon, or grace," &c. was held
 to be *unreasonable, without example*, and
 against the law and custom of Parliament,
 and therefore *void* in itself.—I take this to
 be the true boundary of Parliament, ac-
 cording to our constitution. The like de-
 finition may be assigned of its *supremacy*,
 which is not a mysterious and indescribable
 claim like that of the Pope, but only a syn-
 onymous term denoting the quality of its
 power; for it is affirmed by Bracton and
 Fleta, that even the King has his superior
 in the realm, namely his Court, or Great
 Council of Lords and Commons, "ut si
 " Rex sine fræno (i. e. sine lege) fuerit, de-
 " bent ei frænum apponere."—The greater
 here includes the less. If the King, who is
 the head of the Parliament, is to be con-
 trolled whenever he transgresses the bounds
 of law, it would be absurd to suppose that
 the other two parts of this great body are
 not to be, in like manner, under a legal
 restraint whenever they are tending to ex-
 orbitancy. This supremacy of Parliament,
 or of the three bodies united and acting
 together, if it means any thing, imports
 only a freedom from subjection to any fo-
 reign laws, or any other than the laws of
 God and such as have been ordained *within*

the realm, or such other as *the people of the realm* have, at their free liberty and by their own consent, taken to be used among them from time immemorial; * together with a power of binding all within the realm, from the highest to the lowest, by just and reasonable statutes.

How are we to reconcile with this doctrine the statute 6 George III, 1766, which declares, That the King's majesty, by and with the consent of the Lords Spiritual and Temporal and Commons, &c. had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to *bind* the Colonies and people of America, subjects of the crown of Great Britain, "*in all cases what-ever*"—since it appears that there have been, and may be cases, wherein the power of parliament is *not* binding upon the subjects *within* this realm †?—The persons who use the term Supremacy with most familiarity admit, that an Englishman, living in America, is entitled to the same rights as an Englishman living in the realm. The Americans themselves have always maintained the same opinion. In the year 1656, one of them represented to Cromwell, that

* 25 H. VIII. c. 27.

† Coke's Inst. 4. 42.

“ the English colony of Virginia, being mem-
 “ bers of the commonwealth of England
 “ and acknowledging the government esta-
 “ blished, may as justly claim the benefit
 “ of protection and *all other* privileges and
 “ advantages claimable by subjects, as any
 “ other body of subjects in England, or
 “ elsewhere, can expect from the govern-
 “ ment thereof: for, not being separated
 “ from the rest by way of punishment, but
 “ to enlarge the territories and dominions of
 “ England, whereby not only the power
 “ but wealth of the nation is much en-
 “ creased, their transplantation cannot, in
 “ *reason or justice*, take off from *any privi-*
 “ *lege* they enjoyed before, *or should enjoy*
 “ *if yet within the bounds of England.*”

What is this but asserting what in reason
 and justice can never be denied or refuted;
 that the great constitutional rules of right
 and wrong apply equally, and in common,
 to both parts of the British dominions?
 But if we were to construe the words of the
 statute above cited according to their offen-
 sible meaning, what could we suppose they
 imply, but a power the most sovereign,
 despotic, and unlimited imaginable? for
 they import a power of binding in every
 possible case, and to all possible extent what-
 soever. An omnipotency answerable to this
 description being once proved, then the

right of taxing to the very last farthing in the pound of every Englishman's money in America, for the ease and exoneration of his fellow subjects in England, would be clearly involved. In this event, however, the Americans would no longer be subjects, but absolute slaves; for he who holds nothing but as tenant at will of another, is in the vilest state of pure and essential slavery. If then it is unjust and unreasonable that we should reduce them to this slavish condition, can we hesitate to pronounce that a law asserting our right to do so, is voidable for its unreasonableness and injustice, and therefore not binding? If reason and justice forbid our assenting to it, who shall say that it can or ought to bind us?

The supreme power of our King and Parliament over the Colonies, and dependancies annexed to the crown, I shall not deny; but it is a power of restraining, inhibiting, and regulating only, as far as I have been able to judge;—First, in regard to matters of legislation, that the Colonists should enact laws for themselves, “as agreeable as might be, and not repugnant to the laws of the Mother Country.” Secondly, in matters of commerce, that they should deal with the Mother Country in preference to foreign states. The first tended very signally, not
only

only to preserve an uniformity of constitution, and equal liberty of person and goods in both parts of the British empire, but to guard and keep the second, or laws of commercial restraint (passed by our Parliament), unviolated by the Colony laws. And this benefit arising to the Mother Country from her reserving an exclusive dealing with them in Commerce, as it was the original object in view when she founded these Colonies, so it was and is the true foundation of her protecting them. If we turn over all our acts of parliament, from the act of navigation to the beginning of the present reign, we shall find them consentaneous to these principles: the erection of an inland post-office, I know, has been alledged as a proof of an assumption on our part to tax them; but in fact the introduction of it into our Colonies was a mere thing of commercial convenience; for letters are carried by this means with more dispatch and security, and with less expence to the subject, than by any other. It is very easy to conceive, that the people of Ireland, and the several Colonies, each being a miniature picture of the kingdom, in respect to constitution, and all the subordinate parts of government, may have their several courts of justice, and court of Parliament, each compleat in its jurisdiction, and independent of those in
 Britain

Britain in every case, except where they aspire to controul or impinge the latter. In those petty or inferior Parliaments alone, the subjects who live out of the realm, and *beyond sea*, are regularly and lawfully represented; and in them alone their lands and goods are properly taxable. The inseparability of representation from taxation, is so clearly maintained and upheld by the British Parliament, from the most early times of our history, that scarcely any of our great constitutional rules has been supported with equal reverence, till lately. The two Houses of Lords and Commons here are styled a compleat representation of the Lords Spiritual and Temporal, and Commons; which latter include all the gentry, citizens, and burgessees *within the realm*. These bodies, with the King, form the highest court, and possess a supreme but constitutional power *within the realm*. To say that in our House of Commons every man *within the realm* is represented, would not be true, because there are numbers who are not parties to the elections of knights, citizens, and burgessees: for example, all those who have no freeholds, or have freeholds in antient demesne, copyholders, men unpossessed of real though possessing a large personal estate, &c. The constitutional rule, that "no man's property shall be taxed
 " without

“without his consent in Parliament,” necessarily includes those alone who have a property which is entirely their own, and not held at the will of another. While the feudal system prevailed in this kingdom, (and it was not extirpated until the reign of Charles II.) the number of landholders by *free tenure* was but inconsiderable when compared with the whole number of inhabitants; of course the number of representatives in Parliament was inconsiderable: at the commencement of the reign of Hen. VIII, they amounted only to three hundred; and many, or most of these, had been added from time to time by King John and his immediate successors, by sale of charters to the royal demesne towns; in consequence of which they were erected into free boroughs, and received the royal writs for choosing representatives, which before they were not permitted to do: for, all villeins and copyholders, tenants in antient demesne (which were but the King’s villeins), and the tenants and dependants of other Lords, could neither elect nor be elected. These servile classes, which composed the far greater part of the people, were taxed at the pleasure of their respective Lords, or according to their tenures; they were never esteemed freemen, nor served on juries, nor chose their own magistrates.

In process of time the crown endeavoured to bring the House of Commons under its influence, by this mode of turning the ancient demesne towns into boroughs; by which no less than two hundred new members were added to the House of Commons from the time of Henry VII. A stop was not put to this practice till after the Restoration; when the House, growing jealous of the consequence, if the King should be suffered thus at pleasure to acquire an undue majority upon any critical question, resolved that all future elections so to be made by virtue of charters granted by the crown, should be utterly void. And when, in the 25th year of the same reign, the inhabitants of the County Palatine of Durham desired to have Representatives of their own choosing, the House took them out of the hands of the Crown, and passed an act enabling them to elect their members; for which mode, the Chester bill in the reign of Henry VIII. was deemed a sufficient precedent. We may observe upon this, that as the long continued exercise of this power in the Crown first gave birth to the multitude of *rotten boroughs* (for they were mostly little sea-port towns) which have since become so detestable for their venality; so the continued prevalence of feudal or unfree tenures

nures (though scarcely more than nominally unfree at present) is even now the true reason, why *all* the people of England have not Representatives in the House of Commons. When it was said therefore, that the “Law to bind *all*, must be assented to by *all* ;” this *all* included only the *free* people of the realm, and not those villeins and dependants, who were thought of too base a condition to be alluded to ; the property they occupied belonged to their Lords ; and their Lords sat in Parliament, and taxed themselves. That the present state of Representation is defective, we may readily allow ; but it is a defect which (as villeinage is worn out) may easily be remedied, if there are any unrepresented persons in the kingdom capable, and who desire it. But it is highly absurd to argue from this defect, and assign it as a precedent or a reason to prove that the inhabitants of our Colonies, (who all hold their lands by the highest and freest tenure known to our laws) are represented by the members for New Shoreham or Old Sarum, or by the English, Welsh, and Scotch members generally ; or that, having a capacity for voting and assenting, they should therefore be put in the same scale with those who have no such capacity.

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In the case of Ireland, it is held, that although the general statutes of this kingdom bind the Irish, yet our Parliament cannot bind them *quoad terras*; that is, cannot impose an internal taxation—because (say our law-books) the Irish have a Parliament of their own, in which they are represented, and because they have no Representatives in our Parliament. But, say the same authorities, our Parliament may bind them in things transitory; such as, the shipping of wool or merchandize to the intent to carry it to *another place, beyond sea**, &c.: that is, our Parliament may inhibit, or regulate their transactions in commerce and navigation, in order to secure to ourselves the advantages and useful connection resulting from thence, in preference to foreign states; but cannot tax them, because they are not present in our Parliament to give their consent, and are present in their own Parliament, where alone therefore they can be taxed according to our constitutional rule. It is, I think, very evidently deducible from these authorities, that, however diffuse and general the power of our Parliament may be for the purposes of commercial regulation, yet in

* Brook 123. 91. Crompton 22. 6.

respect to Taxation, the constitutional rule has made it, in this point at least, entirely local; it is, if I may so express myself, *insulated* like our lands, and circumscribed by the outline of our coast, and nearly contiguous parcels (as the Isle of Wight, &c.), beyond which it seems not to extend; it does not, in short, extend, I presume, to any member of our dominions, in which a Parliament, or assembly of Representatives, is established. The respect which our Parliaments formerly paid to the constitutional rule before-mentioned was so great, that we find them solemnly declaring it a *grievance* that the subjects should be taxed, or even bound, by statutes, to which they had not assented by their Representatives. In the case of the County Palatine of Chester, the Parliament says, “ that the
 “ inhabitants of that County, by not hav-
 “ ing Knights and Burgesies to represent
 “ them, had sustained many disherisons,
 “ losses, and damages, as well in their
 “ lands, goods, and bodies, as in their good
 “ civil and political Government; and for
 “ lack thereof had been oftentimes touched
 “ and *grieved* with *acts* and *statutes*, as well
 “ derogatory to their antient liberties and
 “ privileges, as prejudicial to their com-
 “ monweal and peace, &c.” Here we
 may observe, with what precision are marked
 the

the oppressive effects to which the subject is liable for want of having a representative in Parliament; and with what strict truth the King's writ for the election of representatives is said to issue *ex debito iustitiæ*, as an act of justice due to the subject, and which it is a *grievance* to withhold from him.

The County Palatine of Durham was under the same predicament till 1672, when an act was passed for enabling it to have Representatives. And the reasons assigned in the preamble were, “that the inhabitants
 “ had not hitherto had the liberty and privilege of electing and sending any Knights
 “ and Burgeses to Parliament, although
 “ they had been subjected to all payments,
 “ Rates and Subsidies granted by Parliament
 “ equally with the inhabitants of other
 “ Counties, Cities, and Boroughs in the
 “ kingdom, who have their Knights and Burgeses in Parliament; and were therefore
 “ concerned equally with others the inhabitants of this kingdom to have Knights, &c.
 “ in the said high court of parliament,
 “ of their own election, to represent the
 “ condition of their County, &c.” We trace this great Rule in every series of our annals, where opportunity called for its introduction. So, ecclesiastical Canons, though affirmed by the royal licence, were held *not to bind*

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bind the Laity, and the reason assigned in our Law books is, “because the Laity are “*not represented* in Convocation, and therefore their *consent* neither *given* nor *asked*.”

This was not the mere opinion of a law court, but the sense of Parliament; for until a very late period, the power of Parliament in Taxation, even *within* the realm, did not *bind* the Clergy; yet they were a numerous body, possessed a large share of the landed property and treasure of the kingdom, and it seemed but reasonable that they should bear a part of the public burthen, who enjoyed so ample a share of the public wealth. But the reason why the power of Parliament did not reach them was, because they had a Convocation or Parliament of their own, in which the Individuals of their body were represented, and in which they granted occasional Subsidies to the Crown just as they thought convenient, and under the name of *Benevolences*. This mode continued till the year 1664, when by private compact between the Archbishop on behalf of the Clergy, and the Lord Chancellor Clarendon and other Ministers of Charles II, it was concluded on the one hand, that the clergy should silently *waive* the *privilege* of taxing their own body, and permit themselves to be included in the *money-bills* prepared by the Commons; and on the other

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hand,

hand, that they should from thenceforward *have votes* in choosing knights of the shire, as other freeholders, which before that time they had not. By this mutual stipulation, as they became represented for the first time in the House of Commons, so for the first time they became taxable to the Crown by that House, in equal measure with the Lay Subjects. It is a just and fair inference, that as the House of Commons did not antecedently include or bind the Clergy in their money-bills, they knew they had no right to include or bind them, because the Clergy had no representatives in their house, to yield consent in the constitutional form. Yet to their other Temporal concerns, the power of the *whole Parliament* had generally reached from the time of Henry VIII. Their jurisdiction in temporal matters was restricted by prohibitions; and the *Statutes* of the Realm (as Lord Chief Justice *Hale* remarks) prescribed to the Ecclesiastical courts their bounds and limits. I take this Case to be very strongly in point, not only as it exhibits to us a body of men residing *within the realm*, who, by having an Assembly of their own in which they taxed themselves, were neither taxed, nor taxable in the House of Commons, and over whom that House assumed no claim of taxation; but further, as it leads us to distinguish between the *power of*
taxing

taxing as distinctly resident in the *House of Commons*, and the other *general powers* exercised by the three branches collectively, under the title of *Parliament*. I propose to examine this material distinction; but first, as I have instanced the attention of our Parliament at various times to support the Constitutional rule, so I shall produce an example to shew that our Kings have manifested an equal regard to its preservation. James the First, the same who asserted that Monarchs held their Sceptre by divine right, and not by the favour of the people; the same who asked one of his Bishops whether he might not *divino jure* take his Subjects money; this Prince, when he erected several new Boroughs in different parts of *Ireland*, declared that, “ he was *obliged*, in *justice* and “ *Honour*, to give all his *free* Subjects of that “ Kingdom, *indifferent* and *equal voices* in “ making of their laws; so as *one half* of “ the Subjects should not make laws alone, “ which might *bind* the *other half* without “ *their consents**.” Thus we see, that whatever pretensions of a contrary nature this King might appear to have conceived in a discourse with his Bishop, yet he had a full conviction of the rights of his Subjects to an impartial share in the making of those

* Sir John Davis's Speech to the Lord Lieutenant, 1613.

laws by which their properties were to become *bound*. It is only the same principle expressed in different words, which tells us that “the King shall have no aid of his Subjects without *their own grant and good-will* *.” Agreeably to this, the House of Commons assert their sole and separate right of granting aids to the Crown, and framing money-bills; and of this distinction they are so tenacious, that they do not allow the Lords to intermeddle with, or make the smallest alteration in, a money-bill. This claim is of great antiquity; so that formerly, when a new project was proposed from the Court party for raising a subsidy or supply, the House usually replied, that “they were not “instructed by their principals on that matter;” or that “they durst not consent to “such Tax, without conference with their “Counties.” It is not unreasonable to conclude from hence, that the power of Taxation is lodged solely with the House of Commons; and if so, it follows that this material act of Supremacy belongs not to the Parliament, which consists of the three estates, but singly to one of the three, or House of Commons. And granting any force in this conclusion, we may go on further and say, that then the Colonies are not within the

* 25 Edw. I. c. 5 and 6. 34 Edw. I. c. 1 and 2. 42 Edw. III. c. 1. 45 Edw. III. c. 4.

line of Parliamentary Supremacy so far as regards Taxation, since that belongs only to the Lower House. Again, it seems evident from the very manner in which they are elected into office, that the members of the House of Commons act not by an *inherent*, but by a *delegated* power: “ Now they (says “ *Sidney*) who delegate powers, do always retain more than than they give ; the people therefore do not give their Delegates “ an *absolute power* of doing *what they* “ *please*, but do always retain to themselves “ more than they confer on their Deputies ; “ who therefore must be *accountable* to their “ *principals* ;” and that they judge themselves accountable, I have already shewn. If it be asked whose delegates are they, and to whom are they accountable ? The answer is, the *Communitas Regni*, the Counties, Cities, and Boroughs in Great Britain, which elected them. If then these Deputies do not receive all the power which is inherent in their principals, it is plain that they cannot claim a right of exercising any powers which have not been conferred upon them, much less any degree of power which even their principals do not inherently enjoy, and therefore cannot possibly delegate. There is no Elector, in any County, City, or Borough, in Britain, who can prove, that he has a legal or natural right in him, to give or

take away the property of his fellow-subjects inhabiting Ireland or America; if no such Sovereignty resides in the principals, what title can their Deputies produce, to prove it either inherent, or delegated to them? If twenty Subsidies should be proposed one after another in the same Session to be levied on the people in the Colonies, would it not provoke laughter to hear a member standing up in his place reply, “ Mr. Speaker, I am a representative serving here for the antient and loyal borough of ****, in the shire of Suffex. The Taxes now proposed are to be levied on *three millions of Americans*; but I am not instructed in this matter by the persons who chose me, who are *five* in number; who are so little acquainted with the Americans, as not to know whether they are black or white, Savages or civilized, Pagans or Christians; whether they belong to this Globe or to the Moon: and therefore I dare not consent to these Taxes (which by the bye do not in any manner affect my five constituents) without a previous conference with them upon the subject.”

It would be still more laughable, if the House should itself supply every vacancy happening among them by death or preferment;

ment : yet if every Individual is not merely a Representative of the Borough or Shire that elected him, but is a Representative also of the whole Commonalty of the Realm, where is the absurdity in supposing that the person who represents actually the Commonalty of *Rutland*, represents likewise virtually the Commonalty of *Yorkshire*, and every other Shire in the Kingdom?—But if the House were to take upon themselves the choice of persons to sit for this or that Shire, in short to elect one another, they would no longer be a Representative, but an Elective body. As long therefore as they continue to be Representatives and not Electors, Deputies and not Principals, so long must they be considered as the limited Agents of, and accountable to those, who appoint and choose them; but by no means chosen or appointed to the exercise of *such a taxing power*, as their constituents themselves were incapable of conferring on any one.

I shall close this Letter with a recapitulation of some few particulars foregoing. If the Clergy when they had their separate Parliament were numerous and opulent, yet they were not to be compared either for numbers or wealth to the English Subjects in America. As for the Irish, they are not so numerous by a million of people as the

Americans. If in England it is the possession of freehold property, which confers the qualification of choosing a County representative, there are not in the American Colonies much fewer than a million of Subjects all possessing freehold properties, none of which are probably of so little annual value as *forty shillings*, the present beggarly qualification of a freehold Elector in England. So far then as the right of *actual* Representation proceeds upon the grounds of number of people, of tenure, and value of landed property, the American Subjects appear as well entitled to the constitutional rule of taxation as the Clergy of this Kingdom; the Inhabitants of Ireland, or those of Durham and Chester; or those of Wales, who, though not by at least ten times so numerous, yet send twenty-four members to serve for them in the British House of Commons. In all these Colonies (*Canada* only excepted) and from their first establishment, the several Governors, as Commissioners of the Crown, have, in his Majesty's name, summoned assemblies of Freeholders by writ, elected by the people to represent them, for the purposes of framing laws for their good government, and *granting aids*, or levying taxes for the *King's service*. If we suppose, that, originally, all their Lands belonged to the Crown, yet as the Crown has granted them

them out in fee simple, on no other conditions but that of personal service against its enemies, and a certain specific annual quit-rent *per acre*, I take that grant to be as irrevocable and unalterable, as a like deed of conveyance from one subject to another would be; so that the Crown can no more lawfully exact beyond the original stipulation, than the subject who has sold an estate for an annuity of forty shillings *per annum* can lawfully exact an annual payment of forty pounds. If you allow this, Sir, you must likewise allow, that whatever further aids the Crown may be desirous of obtaining from the rents, produce, or profits of those lands, must be granted freely, by the good-will of the possessors; and that the constitutional mode of their granting and paying such aids must be by an equal taxation imposed by and on themselves, by representatives of their own choosing, and not by such as we may assume to choose for them.

I am,

SIR, &c.

L E T.

LETTER II.

SIR,

A GAINST the fundamental principles mentioned in my former Letter, and which you acknowledge to be every Englishman's birthright in America as well as in this realm, no just or reasonable argument has been advanced, to support the position of a *Supremacy*, which may dispossess so large a body of our fellow-subjects of the benefits arising from them. On the contrary, here is a visible distinction set up without any admissible cause, to make a diversity between the subjects in America, and those in Britain. Let us call to mind on this occasion the sense of former Parliaments: 27 Hen. VIII. c. 26. “ Albeit
 “ the dominion, principality, and country
 “ of Wales justly and righteously is, and
 “ ever hath been, incorporated, united,
 “ annexed, and subject to and under the
 “ imperial crown of this realm; and that
 “ notwithstanding, because that in the same
 “ country divers rights, usages, laws, and
 “ customs, be far discrepant from the laws
 “ and customs of *this realm*, some rude and
 “ ignorant

“ ignorant people have made a *distinction*
 “ and *diversity* between the King’s *subjects*
 “ of *this realm*, and the *subjects* of the
 “ *said dominion* and principality of Wales,
 “ whereby great *discord, variance, debate,*
 “ *division, murmur, and sedition,* hath grown
 “ between his said subjects ; to prevent the
 “ like in future,” it was enacted, that they
 should have knights and burgessees in Parli-
 ament to serve for the shires and boroughs
 in Wales. But, notwithstanding this ad-
 mission of Welsh members into the House,
 the King, whose proclamations were de-
 clared by an act of Parliament to have the
 force of laws, even in England, was suffered to
 retain so absolute a sovereignty in Wales,
 that he could at any time alter or amend
 their laws or even make laws for them ;
 and this power, though not much used after
 his reign, was not abrogated by the Parlia-
 ment of England until the 21st of James I.
 when it was declared, “ That the laws
 “ and statutes ordained for Wales, were in
 “ effect, and for the most part, agreeable to
 “ the laws and statutes of England, and
 “ all of them obeyed with great alacrity,
 “ That *after so long a quiet* any future
 “ change or *innovation* therein would be
 “ dangerous ; and that all *distinction* and *dis-*
 “ *ference* between the subjects of England
 “ and Wales should be abolished.” It was
 there-

therefore to take away this ill-founded distinction, and unite the subjects in both places together as one people under one general and equal representation in Parliament; that the Welsh were emancipated from the despotism of the crown. These considerations, if they were of any force in regard to the Welsh, a race of people different from the English, and for a long time reputed and treated by the Legislature of this country as aliens, will apply with double energy to the American subjects, sprung from our own loins, and many of whom are connected in blood with some of the best families in this kingdom; to sever them from our bosoms, seems as odious and unnatural, as to amputate one of our legs, in hopes that the other might thrive the better. Would it not bring a justly merited opprobrium on our understanding, our policy, and humanity, if we were to speak out plainly, and preface our domineering claims with Resolutions to the following effect?

I. Resolved, that his Majesty's liege subjects in America, are not entitled to the same rights as ourselves, because they do not reside within the realm of England; and because some of them
have

have *tarred and feathered* an Officer of the Customs.

2. That no Freeholder within his Majesty's realm of England, possessing 40 *s. per annum*, can or ought to be taxed, in the Parliament at Westminster, with any aid or subsidy to the crown, without his free consent given by himself or deputy.
3. That every Freeholder within his Majesty's American dominions, whether possessing 40 *s.* or £4000. *per ann.* may, and ought to be taxed with such aids or subsidies, in the Parliament at Westminster, without his consent, either given or asked, in any manner whatsoever.
4. That every such American freeholder is so liable, because a large space of sea divides his Majesty's dominions there, from this his realm of England.
5. That the inhabitants of Ireland ought not to be taxed for such purposes (except in their own assembly of representatives), because only a narrow frith of sea divides that part of his Majesty's dominions from his said realm of England.

6. That the statutes of England cannot bind the *lands* of the Irish, but can and ought to bind their *persons*.

7. That a statute of England can bind the *persons* of the Americans, and therefore can and ought to bind their *lands*.

8. That *Protection* implies, first, the privilege of being sent in irons three thousand miles, to be tried by a jury of strangers, and hanged in a country where the party is friendless and unknown: secondly, the privilege of holding no property whatever but at the will and discretion of his protectors.

9. That *Obedience* means, a passive, unmurmuring, non-resisting acquiescence under such a mode of protection.

I might draw the chain of similar resolutions to a much greater length: but what opinion must any rational person form, either of our wisdom or honesty, if we were capable of adopting such incoherent and flagitious propositions, as the ground of

of any of our legislative proceedings towards the Americans?

If the tenets which we avow (but ought methinks to be ashamed of) had been broached, under the sanction of public authority, in the days of Archbishop Laud, the Puritans, we may venture to believe, would rather have staid in England, at the risque of being mutilated and tortured by their star-chamber tyrants, than have fled to enjoy a sound skin in the American wilderness under such protection; nor should we at this hour, perhaps, boast a single Colony of Englishmen in that part of the world.

We are told, "that their *persons* are bound by a law, enacted here, inflicting capital punishment*." There is no doubt but a penal law enacted here for their benefit, such as the bringing pirates (*Hostes humani generis*) to justice, or for the better securing their lives, liberties, and properties, would be willingly obeyed by the major part of them; but are they and we to make no distinction between a law which is to protect, and a law which is to enslave them? Suppose an act of our Parliament

* *Patriot*, a pamphlet.

should

should pass, "forbidding every American
 "to carry or keep in his house any arms
 "whatever, on pain of *death*." To be
 armed for defence of his person, goods, or
 family, is the unquestioned right of every
 English Protestant subject. Would Ame-
 rican juries find guilty, or American judges
 condemn, upon an act of this sort? Their
 juries might acquit, or their judges throw
 up their commissions. To make laws of this
 complexion efficient upon them, that is, to
bind them, we must commit another in-
 vasion on their birthrights, and deprive
 them of "*trial by jury of their vicinage*."
 We must impose upon them novel judi-
 catures unknown to the English constitu-
 tion: we must erect new Commission
 courts endowed with most intemperate pow-
 ers; grant new and arbitrary jurisdictions
 to some old court; keep their judges, *du-
 rante beneplacito*, under the influence of,
 and dependance upon, the Crown; and if
 all this novelty will not suffice, we must
 proceed at last to drag the stubborn offen-
 ders into England, to be arraigned before
 our Secretaries of State, and put to death
 by the verdict of a *Middlesex Jury*. This
 latter stroke will serve to shew the con-
 sistency of our principles, that, because an un-
 righteous law of ours is found difficult or im-
 possible to be executed upon them in Ame-
 rica,

rica, we may save our dignity, by making it bind and execute upon them in England. Can legal rules and constitutional ordinances stand in need of a subterfuge like this, which hurries us, like Swift's Liar, to maintain one act of injustice, by inventing twenty additional ones? These cannot be necessary, because it does not follow, that the Americans, by being left to levy a tax themselves on their own properties, are therefore independent of us, or of the just powers of our national Parliament. None deny, but that those powers may be exerted to the utmost effect in restraining their commerce, so as that this kingdom may prescribe in what degree they shall trade with foreigners, or whether they shall trade with them at all. But to strain this prescription, and say, that their dependance on us is neither compleat nor competent, unless we make their persons, and every thing belonging to them, our own property, is to suppose that we have a right to render them more abject slaves to us, than the Israelites were to the Egyptians; for the Israelites obtained a release from their servitude, and permission to exchange the lash of their task-masters for "a land flowing with milk and honey." But our hearts are more hardened than Pharaoh's; we will not let the Americans leave us for

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milder

milder masters; our sanguinary wishes would fain involve the innocent thousands, venerable age, and helpless infancy, men, women, and children, in one universal carnage. Will it be credited, Sir, that a man, distinguished so much in the literary world for his other lucubrations, as the supposed author of *the Patriot*, should become so impenetrable to the feelings of humanity, as to devote all the inhabitants of a populous city, with one dash of his pen, to all the horrors of famine, pestilence, and military execution? Nay more, that he should attempt to justify this abominable butchery by the plea of *sovereign power*? Even a Stuart king* would relent on such an occasion, and inform him, that, “If the
 “punishment be over and above the offence, it is plain *Injustice* and *Tyranny*:
 “that it must be ever bounded in *measure*
 “and *moderation*, according to the quality
 “of the offence.” A Smollet too might have whispered in his ear, that an endeavour (something more than an *overt* act) to subvert the established government of this kingdom, was not *rebellion*, but only † *insurrection*. A milder term than *rebels* might surely have been found in John-

* James Iſt's Speech on the impeachment of the Lord Treasurer Middleſex.

† See his History of England, Anno 1745.

son's Dictionary for the poor Americans, whose misfortune it is, through an enthusiastic love of English birthrights, to struggle for such, as nine persons in ten, even in England, imagine they are perfectly well entitled to. But not all the laboured pomposity of flatulent declamation can ever palliate such wanton homicide.

—Why, learned Thane,
Did you unbend your noble strength to *write*
So brainfickly of things?—Go, get some water,
And wash this filthy witness from your *page* *!

But, to turn our eyes away from images that shock them, let us repeat, that the subjects in America must be denied to be, nay they must be proved not to be, English subjects, before they are excluded from participating those unalienable rights to which English subjects are entitled; and if our Parliament has not a Constitutional power to tax them out of this realm, without their consent legitimately obtained, it must certainly appear very unjust to enforce such an assumption of power over them. In other cases, as for the regulation of their trade, &c. where the good of the whole family of subjects within, as well as out of

* *Macbeth*. Johnson's edition.

the realm, is intended, and from which our American brethren suffer no partial injury, to confer a partial benefit on others of the family, we and they may safely admit a large scope of sovereign controuling power, to reside in the hands of the maternal Parliament. For in this line we may consider, that we can enact no provisions, restrictive or regulative of their trade and commerce, without being duly checked. Under every such statute, the Americans are guarded by the sense of common interest affecting both parties, and the mutual advantage or inconvenience possibly resulting from it. If, for example, too high a duty should be laid on any of their commodities imported into this kingdom, the mischief of such an exorbitancy would speedily shew itself, in prejudice to the Revenue, the Traders, Merchants, and Manufacturers within the realm; and they, whose impetuosity or ignorance occasioned the injury, will, for their own sakes, provide a remedy. Such was the consequence of our overcharging *indigo*. A duty of 3*s.* 6*d.* *per* lb. suppressed the growth of it in one of our Colonies. Our manufactories at home were distressed; the Revenue was impaired; much more money than the profits of the duty had amounted to, was sent out of the kingdom every year,

year, to purchase a supply from foreigners. Our Parliament saw its error, and endeavoured to revive the growth of it in our Colonies, by granting a bounty, instead of laying a duty upon it.

But no such check is at hand, to correct or bridle internal taxation. In this case, if fifteen shillings in twenty are levied on every American's income, the landholder in England feels no immediate hardship. On the contrary, as he hopes (perhaps too fondly) that his own panniers may become lighter, or sit easier upon his shoulders, the heavier he loads the back of the American, he will naturally go on to encrease and redouble the pressure. Such a distinction of interests, founded on motives so selfish, cannot ultimately redound either to our honour or profit. An illiberal partiality, which disunites and discriminates the Colony subjects from the subjects in England, which degrades them into aliens, and dubs them perpetual vassals to a few great men in this kingdom, can only tend to make them unanimous at last, in renouncing us as brethren, abhorring our tyranny, and rejecting our yoke.

The staunchest advocates for *illimitable Supremacy* themselves have appeared to hold

it not altogether legal and defensible: they admitted therefore the right to a representation in some measure; not indeed substantially, but only symbolically; and the mystic term of *virtual* representation was ushered forth, in order to qualify the former mystic term. To this it has been very significantly objected, That common sense cannot imagine any people “represented
 “ without a choice of their own, without
 “ ever hearing, seeing, or knowing any
 “ one of their representatives; and the representatives equally strangers to the persons they represent, without having any
 “ joint property or interest, and without
 “ being ever exposed to suffer any inconvenience from their resolves in common
 “ with the people they represent:” That to give and grant away the money of another, and call it all the while our own money, is a solecism in speech, as well as in fact, too probable for all the arts of sophistry to defend: That in England, the man who pretends to give away another’s money must first obtain his consent; if he assumes to be so liberal of it without that previous formality, he will be laughed at as a fool; but if he chooses to seize, and make it his own by force, he will be hanged as a robber. It is in short mispending words to add more on the subject
 of

of *virtual representation*, than to pronounce roundly, that it is a genuine barbarism, offensive to reason, and unknown to the laws of England.

It has been urged indeed, and weakly enough, that multitudes within the realm are taxed, though they had no share in choosing the taxes. But if it is true, that there are any subjects in the kingdom, of property and capacity competent to give them an elective voice, who at present do not enjoy it in any degree whatever, what does this prove, but that the representative here is not yet so perfect as it might and ought to be? why do not these voteless persons claim their portion, and enjoy it, as the inhabitants of Durham and Chester have done? If the right is purposely withheld from them, this with-holding may be unjust; but is one act of injustice to be cited as a precedent for the reasonableness of another? *Here*, the Taxers and the taxed, the representative, the elector, and the non-elect, are involved in one common interest; the burden is equally laid; and the man who has no vote, pays no more than the man who has one. It is idle to apply this want of representation at home to the case of the Colonies, and our

claim of disburthening ourselves to burthen them.

There are others, who, pretending to decide in this matter with more moderation, have given up these doctrines as too phantastic and ridiculous to claim the assent of our reason, or of too invidious a tendency to be vindicated. They admit the general right of an actual representation, and propose that a certain number of Members or Deputies, duly chosen from time to time in the respective Provinces, should be added to our Lower House of Parliament. Various plans for this purpose have been delineated. But upon mature reflection I am persuaded to believe, that such a measure will appear not only inadequate but impracticable. Not even the omnipotence of Parliament can draw the American territories so near to Westminster, as is fitting to give the subjects there, a free, a constant, and ready intercourse in any sufficient degree, so as to make such a representation, even comparatively, as useful and necessary to them, as the exigences of representation demand, as the ends of it require, and as it is enjoyed by the Subjects living within the realm. *Between us is a great gulph fixed* by the hands of the truly Omnipotent, and He alone is able to remove it. Such a representation, where

where neither the electors nor elected can communicate with each other, is almost as great a mockery as virtual representation; the Americans would doubtless think it so, and it is not probable they would easily be brought to relish it. I ground this opinion on the conduct of the Irish in a similar case; and if the Irish, in so near a vicinity as they are to us, would not give up their own Parliament, and *exile themselves* from time to time, for the sake of having Representatives to sit and tax them in the English House of Commons, we can hardly suppose that the Americans, at 3000 miles distance from us, would be more complying, or be sooner persuaded to believe it as much for their benefit, as retaining the liberty of taxing themselves in their own country, and in their own Parliaments. Towards the latter end of Edward the Third's reign (A. D. 1376) the Commons of England, having almost exhausted themselves, by granting subsidies and aids to that Monarch, for carrying on the wars in France, and defending his subjects in Ireland, remonstrated and solicited that strict enquiry should be made into the deficiencies of the Irish revenue. Ireland was at that period a very great burthen to England, and so continued for a long time afterwards; for in 1573, which was two centuries after the reign of Edward III, Sir

James

James Ware in his annals says, that on an average of fifteen years, the *money* annually remitted thither was about 32,700 *l.* (a large sum in those days) and the whole produce of their annual revenue not more than 8000 *l.* The King dispatched an agent thither, with instructions to state the urgent necessities of the Crown, the deficiencies of their revenue, to press his ministers there to exert themselves for the interest of their royal master, and to direct that the Irish Parliament should be convened without delay, for the purpose of granting such a subsidy as might provide not only for the exigencies of their own government, but for the assistance of their Sovereign in his foreign wars. Their Parliament assembled, pleaded poverty, and granted no supplies. The King was provoked, and issued writs of summons both to the clergy and laity. The Bishops were commanded to choose two of the clergy in each diocese; the Commons to elect two laymen of each county to represent the Lords and Commons of that county; the cities and boroughs in like manner each to choose two Citizens and Burgeses. These Representatives were directed by the writs to repair to his Majesty in England, to treat, consult, and agree with him and his *great Council*, as well on the government of the land of Ireland, as on the aid and support of his

his Majesty's war. We have the answers of the Archbishop of Armagh, and of the county of Dublin, to this summons distinctly recorded. "We are *not bound*," said the Prelate, "agreeably to the liberties, privileges, laws and customs of the church, and land of Ireland, to elect any of our clergy and to *send them* to any part of England, for the purpose of holding Parliaments or Councils in England. Yet, on account of our reverence to our Lord the King, and the now imminent necessity of the land aforesaid, *saving* to us and to the Lords and Commons of the said land, all rights, privileges, liberties, laws and customs beforementioned, we have elected Representatives to the King in England, to treat and consult with him and his Council: *Except*, however, that we do *by no means* grant to our said Representatives *any power* of *assenting* to any burthens or subsidies to be imposed on us or our Clergy, to which we cannot yield by reason of our poverty and daily expence, in defending the land against the Irish enemy."

The County of Dublin in the like manner elected their Representatives, under the same restriction of not consenting to the imposition of any taxes. The King, upon this, complained of the election as insufficient

cient and irregular; and the sheriff was directed to make another return, in presence of the Treasurer, and Chief Justice of the King's Bench. Difficulties were started, and delays contrived. At length the Nobles and Commons "unanimously and with one
 " voice declare, that, according to the rights,
 " privileges, liberties, laws and customs of
 " the land of Ireland, enjoyed from the
 " time of the conquest of the said land,
 " they are *not bound* to send any persons
 " from the land of Ireland, to the Parlia-
 " ment or Council of our Lord the King in
 " England, to treat, consult, or agree with
 " our Lord the King in England, as the
 " writ requires. Notwithstanding, on ac-
 " count of their reverence, and the neces-
 " sity and present distress of the said land,
 " they have elected Representatives to re-
 " pair to the King, and to treat and consult
 " with him and his Council; *reserving to*
 " *themselves the power of yielding or agreeing*
 " *to any subsidies.*" At the same time pro-
 " testing "that their present compliance is not
 " hereafter to be taken in prejudice to the
 " rights, privileges, laws, and customs,
 " which the Lords and Commons, from
 " the time of the conquest of the land of
 " Ireland have enjoyed, in consideration of
 " the various burthens which the said Lords
 " and Commons have borne, and still do
 " bear,

“ bear, and which for the future they cannot support, *nisi Dominus Rex manum suam melius apponere voluerit.*”

It appears that the Irish Representatives sat at Westminster, and (according to the usage at that time) their *wages* were levied on the dioceses, counties, and boroughs, which had chosen them*; how far they contributed towards the King's exigencies we are not informed; but it is most probable, that if they voted any subsidy, there was not sufficient opportunity for having it confirmed by their electors in Ireland, as his Majesty died very soon after the meeting of this Parliament.

We observe upon this, that his Majesty's subjects in Ireland (who were so called to distinguish the English Settlers there from the original inhabitants) protest, that they were not bound to send their Representatives to the Parliament in England; it was repugnant to their *liberties* and *customs*; for they had not agreed to any such stipulation at the time of their first settlement there: and although, out of reverence to the royal pleasure, they at last send Representatives, yet they delegate no authority of imposing

* Leland's Hist. of Ireland, vol. I. p. 328.

any tax or burthen upon them, but reserve that point entirely to their own determination. No supremacy of taxation was contended for, nor even so much as claimed over them, by the Parliament at Westminster: yet, if that Parliament had been conscious of holding any such right, they would undoubtedly have enacted a law for levying subsidies in Ireland. But neither the King nor his Great Council appear to have dreamt that any such pretension could be set up, or that any such right existed. On the contrary, the English House of Commons complain to his Majesty of the burthens which the Government of Ireland had thrown on them. The King sends a requisition to the Irish Parliament, to provide for their own exigencies, and to grant him an aid. On their refusal, he summons them to elect Representatives to sit and vote in his English House of Commons, in order that their consent to the subsidies he required might be obtained in this channel. The Irish declare against this, as a grievance, an innovation; and say they are not bound to send Representatives to the English Parliament: and why? not on the plea of remote situation, for they were near neighbours; but certainly because they claimed to be legally and rightfully represented and taxed in their own Parliament only. The same Kingly prerogative,

gative, which introduced a Parliament into Ireland, introduced it likewise into all our American Colonies (Canada excepted). These American Parliaments have, from their first establishment, claimed, and most of them exercised, legislation according to the law and custom of the English Parliament: in them the subjects there, like the subjects in Ireland, have taxed themselves, either to provide for the exigencies of their government, or with aids to the Crown. Nor are the inhabitants of those Colonies more bound than the Irish to obey the King's writs of summons, and send Representatives across the sea to sit and tax them in the Parliament at Westminster, unless a new compact is formed, by entering into which they may voluntarily oblige themselves to do so. I say nothing of the comparatively *few voices* on American questions arising in the House, even if they were to send Representatives; of the large majority of votes to overbear them; or of the policy of the *Scotch* at the *Union*, who, foreseeing the like contingency, took care to insert, in the compact they entered into, a special clause, ascertaining *in perpetuum* what proportion their *land-tax* should bear to that of *South Britain*. But it may be urged, that, if our Parliament cannot of right impose internal taxations upon them, if they are not *virtually* represented

sented in our House of Commons, nor are
 bound, or do not incline, to send *actual* Re-
 presentatives of their own election to sit in
 it, by what means can his Majesty obtain an
 aid or subsidy from them, if the exigencies
 of the nation should be ever so momentous
 as to call for it? I think I hear one of our
 modern declaimers expatiating floridly upon
 this topic: "We miserable wretches are
 " groaning here in England under taxes too
 " heavy for human nature any longer to
 " endure! we are all reduced to the most
 " deplorable state of rags and penury! while
 " our brethren on the other side the Atlantic
 " are wallowing in the mire of riches and
 " luxury! Ought they not then to con-
 " tribute somewhat out of their abundance
 " to relieve us in this season of our distress,
 " after we have, for so many years, been
 " consuming *all* our strength, and expending
 " *all* our treasure, in nourishing and pro-
 " tecting them, without reaping *one farthing*
 " hitherto in return!" Allowing the *fide-*
lity of this portrait, I shall nevertheless re-
 ply, that it is the noble prerogative of an
 English Sovereign to ask money of his sub-
 jects by their *free-gift*, not to wrest it out of
 their pockets by violence. It is not beneath
 his dignity to ask, because it is not the least
 pleasing of their privileges to grant. Nor
 does it diminish his sovereignty to "thank
 " them

“ them for their benevolence.” This condescension, in the idea of a free people, who are loving and loyal to their common father so long as he acts with a paternal justice, tenderness, and affection, towards them, more than overpays their contributions in his service. It is this good old English mode of solicitation and compliance which knits the King and his subjects together in the amicable bands of union, endears them to each other, and most strikingly distinguishes a free from a despotic form of government. To *seize* is the prerogative of beasts of prey ; but to receive a free-will offering is the privilege of a rational being : and no truth was ever better attested than this, that he reigns absolute over our purse, who rules in our heart. Perhaps you may now object, what if the King should make a *requisition* to his subjects in America, may not their Assemblies refuse to grant him a subsidy, as the Irish did ? I answer, that it is not fair to anticipate such a consequence. No such experiment has yet been tried : but, if it should be tried, a refusal on their part to vote his Majesty a subsidy in reasonable measure, and proportioned to their respective abilities, would be highly dishonourable to them. They could, indeed, invent no pretence to evade a compliance with it, when pressed upon them in so legal and constitutional a manner : here

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would

would be no breach of their rights, no infringement on their liberties and customs, no boisterous intrusion upon their properties and effects. Nor could they decently plead poverty, like the Irish subjects; for they admit themselves rich enough to afford a moderate subsidy; which acknowledgement implies their willingness to grant one, provided they are left at free liberty to tax themselves, and levy it in a way the least inconvenient to them, of which most indubitably they are the very best and fittest judges. But if, after all, it were possible for them to refuse any such grant proposed to them in that regular manner (and, I confess, I see no reason whatever to think such a denial at all probable), still I contend that, even in that extremity, we have no right to force their compliance by dint of musquet and bayonet. To attempt it would brand us a lawless banditti of plunderers; and we have full as much right in time of peace to land an army in *Portugal* or *Holland*, to murder and pillage the inhabitants. What we lawfully may do, I apprehend, in the event of such a refusal, is to examine the value of the protection they receive from us, and, comparing that with the profits we derive from them, strike a fair balance. If we find that we are not paid a commensurate price for our protection, why should we go on to beggar ourselves

selves without a prospect of receiving any indemnification? It must then appear our best interest to withdraw that protection, and leave them to themselves.

There are some who are so intoxicated with folly, as to conceit that these Plantations are our *farms*, and the colony-subjects our *tenants*. A very slight reflection is sufficient to disprove this claim. That we may cede our sovereignty over these members of the British dominion to another prince, is not denied: but these alienated subjects are not obliged to receive the new master attempted to be given; they may resist his authority, or they may submit under such conditions as they judge fit to stipulate with him; or they who do not approve the change may, in virtue of the laws of nature and nations, *sell their lands*, and withdraw elsewhere with their families and *effects*.

There are others, particularly the writer of a late pamphlet, entitled, "The Interest
" of the Merchants and Manufacturers of
" Great-Britain, in the present Contest with
" the Colonies, stated and considered," who seem to aim, with as little candour as truth, at widening the present breach, by persuading the merchants and manufacturers of Britain, that the Americans owe all they possess to

our self-denying bounty; that they have risen to a pitch of splendour and arrogance on the sole support of our credit, and without any merit due to their own labours and industry; that our merchants cannot be safe in their dealings with them, unless the authority of our Parliament is enforced upon them to infinite extent: and although these Colonies do not dispute our authority, except in the articles of internal taxation, depriving them of legal trial by their juries, suspending their legislative rights, and condemning them unheard, all which are strains of power for political, not for commercial, purposes; yet has he the effrontery to assert, that “*all* their declarations, in *express terms*, “deny the authority of our legislature to “bind them in *any case* whatever.” What! because the Americans do not think that we have authority to bind them in *all cases* whatever, does it follow that they renounce our authority of binding them in *any case*, when too the American delegates themselves declare the contrary? Can the commerce or navigation of any dependent country be more strained in favour of the principal state, than those of the American Colonies are by our laws? The acts of navigation oblige them to an exclusive trade with us: these they acknowledge to bind them; and under these we necessarily enjoy and exercise the right of binding

binding them still further by such commercial rules and coercions as are necessary to secure the possession of that trade, and enable our merchants to recover their debts. Such acts are the foundation of mutual confidence in our transactions with one another, and certainly not more for our advantage than for theirs, if our credit and our loans are essential to their support. The gist, indeed, of this writer's observations is, to insinuate that, having contributed to make them opulent, we have therefore a first title to every thing they possess, and that they are the most ungrateful of mankind not to let us seize upon it. But the article of *tobacco* appears to afford him the amplest field for his declamations. On this head he affirms, " That we
 " have restrained the cultivation of it in
 " Britain, for the avowed and sole purpose
 " of giving Virginia and Maryland a *mono-*
 " *poly* of that commodity. The annals of
 " no country that ever planted Colonies," says he, " can produce such an instance as
 " this of regard and kindness to their Colo-
 " nies, and of restraint upon the inhabitants
 " of the Mother Country for their advan-
 " tage. Nor is there any restraint laid upon
 " the Colonies *in return*, which carries with
 " it so great appearance of hardship, al-
 " though the people of Great-Britain and
 " Ireland have, from their *regard* and af-

“ to the Colonies, submitted to it, without a murmur, for near a century.” I could easily refute every tittle of this asseveration by a series of facts, or historical account of tobacco from its first appearance in England to the present hour; but the deduction would be too prolix for the limits of a letter; and, besides, I believe there are no merchants, interested in this commodity, but know enough of its history to save me the trouble of republishing it. The truth is, Sir, that an affection for the Colonies had nothing to do with the prohibition of the culture of this plant in England and Ireland. The Spanish and Brasilian tobacco supplied our consumption here long before any was cultivated in the kingdom. A revenue then arose by customs on what was imported; which customs were imposed by the sole authority of the Crown. Next it began to be planted in Virginia; the revenue grew more important; and the *Crown* gained a very lucrative *monopoly* during the reigns of James I. and Charles I. by engrossing and retailing all that came from thence. The price being thus raised upon the subjects in this kingdom, they naturally applied themselves to the culture of it in their own lands. The Crown strenuously opposed this, not only to prevent a *decrease* of *revenue*, and of the profits of its monopoly, but because it was esteemed an *impoverisher*,
an

“ an *abuse*” (said James I. in his proclamation) “ and *misemployment* of the *soil of Eng-*
land,” which might and (it was justly
 conceived) ought to be employed in growing
 of corn, as far better adapted to this climate,
 and more beneficial for the kingdom. Lastly,
 when the Parliament in 1660 joined in the
 prohibition, another very cogent reason was
 added, which was, that the *quality* of the to-
 bacco planted *here* was not so *wholesome* as
 that of our American Colonies; they yield
 it not only of a better sort, but cheaper, than
 any European Plantations can; which alone
 is a very sufficient reason for prohibiting the
 culture of it in England. It was therefore
 not unwise to restrain it to that soil and cli-
 mate in which it naturally delighted; and to
 proscribe it from our own soil, which was ir-
 reconcilable with it, and convertible to better
 uses. But, besides these, there are other po-
 litic views enumerated in the act itself; such
 as, obtaining from these Colonies, at *cheap*
 rates, the same commodities, and of equal
 goodness, that we formerly were obliged to
 buy of foreigners at *dear* rates; employing
 our shipping and seamen, and extending the
 vent of our manufactures; above all, *we*
 gained the monopoly of tobacco. Instead
 of remitting money out of the kingdom to
 purchase it, we remit tobacco to foreigners,
 and import money in return; in conse-

quence of which, after fully supplying our own consumption, we sell enough to bring between *three* and *four hundred thousand pounds* annually into the revenue by duties. This great profit centers with us, not with the Americans; for we know, that the planters, while their lands were fresh, made shift to go on with the culture of it under a load of imposition of more than ten times the prime-cost for upwards of half a century; while our revenue gained above twenty millions by it. It is affirmed, that, if the same ground, that is planted every year in Virginia with this herb, was sown with corn, it would produce more than all the American Colonies could consume. That the land there is far richer than that of England may be easily imagined, by its yielding near two quarters of wheat *per* acre; whereas the *medium* produce of our English soil does not exceed one quarter. Tobacco requires a rich, deep soil, and is of so sterilizing a nature, that the lands under this kind of culture in the province just mentioned, notwithstanding a very high manure, do not at present produce above one third part what they used to do; so that, if it were not for their extensive range, and the facility of getting fresh land, there must long ago have been an end to their growth of this commodity. Let us also consider, that the tobacco raised in England

land was of too execrable a quality to have made an article of our export to other parts of Europe, or to have ever become a staple of the kingdom. Nay, the constant introduction of the Spanish and Brazilian, by the Crown's licence, for the sake of revenue, which were so superior in goodness, prevented our own lands from supplying even our own consumption. Could it possibly then have been for our interest to cultivate tobacco instead of corn? or was any hardship laid on us, in favour of the Americans, by obliging us to sow grain, which, without impoverishing our soil to which it is natural, has yielded, beyond all comparison, more profit to the growers of it, and more general benefit to the whole realm? The Parliament took *poison* from our farmers, and gave them *bread* instead of it. Can we suppose that the Virginians, whose country is so productive, would have been destitute of food and cloathing, if we had not banished this weed from our soil, where it was noxious and useless, and transferred it to the soil of that Colony, where it was indigenous, and grew to perfection? or may not the Virginians rather lament, that they ever suffered it to be introduced among them, instead of grain, of herds and flocks, those real necessities of man's life, and never-failing sources of population and happiness? At any rate,
our

our farmers here, I am very certain, have reason enough to be thankful that it was extirpated from their fields, and may with justice call it, in the phrase of a homely proverb, "a good riddance of bad rubbish." The writer defies us to produce such another instance of disinterested regard for Colonies in the annals of any other country. We may answer this challenge by alledging *France* as an example. Contrary to the opinion entertained in England of the exhausting quality of tobacco, the French farmers erroneously believed that an infertile soil would be enriched by it. "There are" (says *Le Pluche*) "varieties of useful seeds, which correspond with the quality of such land. All sorts of soil are capable of melioration; and it was the facility in choosing proper seed for that effect that has occasioned those prudent regulations which have limited the culture of tobacco to our foreign settlements, since it is often the only plant which can be raised there with any considerable advantage*." Here we see, that the French government restricted the culture of this plant to their American Colonies, for the avowed design of advantaging them; and took it out of the hands of the French farmers, although it was supposed

* Spect. de la Nature, tom. II.

so fit for meliorating their barren lands in the Northern country. This was truly a sacrifice to their affection for their Colonies; an example that should put our pretended disinterestedness entirely out of countenance. The writer next affirms, that we have given our Colonies a *monopoly* of this article; and that they sell it to us at what prices *they* think proper. The very contrary of all this is the truth. Have we not the exclusive pre-emption of every commodity of their growth? do not we force them to take payment with our own manufactures? do not we hinder them from buying the necessities they want at any other shop than our own? do not we ourselves fix as well the prices of what we sell them, as of what we take from them? *We* then have the *monopoly*, not the Americans; and so far are they from imposing prices upon us, that it is acknowledged that none of our settlers there are at this time able to subsist by planting *tobacco* alone. The obvious policy of all our acts respecting American agriculture is, and has been, to prevail on the settlers there to grow those commodities for our use, and in exchange for our manufactures; for which commodities we should otherwise be dependent on some foreign state, and be obliged to take them in exchange for our gold and silver. With this sole view have all our par-

liamentary

liamentary *bounties* been granted to the Colonists, and not as so many portions to the children of Britain, out of a superabundance of affection and liberality towards them. Thus, in the year 1703, we were distressed to the utmost degree, for want of pitch and tar. The Swedes, who monopolized these articles, refused to let us have any for our ready money, otherwise than in their own shipping, at their own prices, and in such quantities only as they thought fit. Our envoy at their court remonstrated in vain. Parliament then invited our Colonists, by a *bounty*, to undertake the supplying us with those indispensable commodities. The Colonists succeeded, and have furnished us with them ever since at *two thirds less price* than we used to pay the Swedes. And it let be mentioned, once for all, that the amount of our bounty in this scheme, as in every other that has come to maturity, has been much more than made up to us by the quantities we have *re-exported to foreigners* after satisfying our home-consumption. I shall not follow this writer minutely in his reveries about pot-ash, raw silk, &c. &c. on all which subjects he is equally disingenuous. A modern political and commercial author* has drawn out a calculation, which refutes him unanswerably.

* Political Essays, p. 399,

“ The

“ The point is, What are the commo-
 “ dities which the nation *wants* and *pur-*
 “ *chases* of foreigners for *money*, which
 “ these *Northern Colonies*, can yield us in
 “ *exchange* for our *manufactures*?

	£.	s.	a.
For <i>iron</i> and <i>timber</i> alone we			
pay in ready money to the			
Baltic, <i>per annum</i> - - -	440,000	0	0
<i>Pot-ashes</i> (let us say £100,000,			
though it amounts to <i>consi-</i>			
<i>derably</i> more) - - - -	100,000	0	0
<i>Madder</i> (the Dutch supply us			
with for ready money) to			
the amount of <i>more</i> than	200,000	0	0

The same author proposes the
 following further savings
 to our annual balance of
 trade with foreigners.

On <i>bemp</i> and <i>flax</i> (for which			
we pay <i>money</i> to <i>Russia</i>)	300,000	0	0
<i>Wines</i> (for which we pay			
<i>money</i> chiefly to <i>France</i> , &c.	400,000	0	0
<i>Raw Silk</i> , ditto, chiefly to			
<i>Piedmont</i> and <i>East-Indies</i>	500,000	0	0
Total, £.	1,940,000	0	0
	Or		

Or about *two millions per annum*!—"The
 "Exportation," continues he (p. 401), "of
 "two millions worth of manufactures, for
 "those commodities which we at present
 "pay *ready money* for, every one will surely
 "allow to be an object highly deserving
 "the warmest endeavours to accomplish;
 "and *very well worth* the *expence* requisite
 "to effect it. Now suppose this expence
 "amounted to even £.100,000 a year, and
 "that it was continued for even five years,
 "(which is granting more than is necessary);
 "let me appeal to any unprejudiced person,
 "if the benefit of supplying ourselves with
 "such necessary commodities, instead of
 "*lying at the mercy of others*; of purchasing
 "them with our *manufactures*, instead of our
 "*bullion*; of setting to work a vast multi-
 "tude of our present *unemployed poor*; of
 "encreasing greatly the number of our
 "*sailors*; of laying the sure foundation
 "of a *considerable export* in these commo-
 "dities; of *reducing* those *manufactures*
 "in the *colonies*, which give such *just alarm*
 "to this kingdom, are not objects *worthy*
 "of *our money*." All this effusion of pa-
 triotic zeal corresponds with the maxims
 of the ablest statesmen, both in this coun-
 try and France. Lord Clarendon confesses,
 that (after Charles II. was restored to the
 throne) he no sooner had a view of the
 entries

entries at the Custom-house, than he observed the vast revenue that accrued to the Crown from our Colonies, insomuch that the receipts obtained from thence, had *repaired the decrease of the Customs* which the civil war had brought upon *other parts* of trade; for this reason he laboured strenuously to impress the King with a high esteem for them, and urged him to encourage their improvement to the utmost of his power. So we are told of the celebrated Colbert, that for *every thousand* pound he dispersed for improving the trade, manufactures, and plantations of France, he lived to see *one hundred thousand returned*. It cannot be denied, that the real object of all our bounties has been the rescuing ourselves from the clutches of foreign Extortioners, procuring the commodities we want by an exchange of manufactures, and not with bullion; augmenting our shipping, our seamen, and national wealth in every way, reducing our poors-rates, and rendering ourselves independent in our Commerce of all Europe; at the same time we have taken care to prevent the Colonies (which are the instruments made use of for effecting all these grand purposes to us) from going into any manufactures which can rival or supersede our own. Our indulgence towards them (if it can be called such) in respect to the Tobacco

bacco plant, has been very handsomely compensated to us, by our restraining their manufactory of Iron. If any benefit has been derived to the Americans from our bountiful arrangements, it may be a contingent one; but I am sure it never was the sole intentional one. Our own interest has been the primary motive; their enrichment, an unpremeditated, though possibly eventual accident. It is no paradox to say, that on America we must depend for our independence in Europe; and it would be an insult to the most common understanding, to go about to demonstrate this, by a train of facts and arguments.

Let us admit there was a time, when we might have vended *all* our manufactures to the states of Europe, and carried on a most extensive trade among them, with the general balance annually *in our favour*, what does this concern our present situation? If we could have existed a powerful and independent kingdom about two hundred years ago without Colonies, and are not able to do so now? Strike off our Colonies, and what becomes of our revenue? strike off their tribute to our revenue, and how is the deficiency to be replenished? A land tax of ten shillings in the pound would soon make

our landed *gentry* clamorous to have the Colonies restored to us again. Every shilling of revenue which we draw from them is a relief to every taxable person in this kingdom; the amount is enormous. But it fills us with still greater amazement to look forward, on the immense addition to the Royal funds, which in a few years more must spring from the quit rents at 6 *d.* per acre, on so many thousands of acres, as the Crown has granted on that Continent since the Peace.

Cannot we then rest satisfied with milking our Cow, but must we go on like some of the Scotch Highlanders, and drain her very blood to appease our greedy appetites? You, Sir, I know are not an advocate for those sordid opinions, which have lately been bandied about by the sons of corruption; for I remember to have heard you aver, and I solemnly believe it, that if we were as dependant upon *France*, as we are on *Russia* for our Naval Stores, this kingdom would be little better than a French province; we must then submit patiently to all her incroachments, strike our proud flag, and prostrate ourselves at her feet.

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Let us not be ashamed to confess then, that the friendship of our Colonies is well worth our preservation, for our *own* sakes ; let us confess too, that if ever we should become entirely independent in Europe as a commercial state, we shall owe it to our American benefactors.

I am,

S I R, &c.

L E T-

L E T T E R III.

S I R,

I Join heartily with you in condemning the impertinence of that dispute, “whether the weight of obligations conferred, lies chiefly on our side, or on that of our American brethren?” Such speculations are extremely vain and silly. It is best for both, that the benefits accruing from our connection should be mutual, reciprocal. It is a liberal, generous intercommunion of good offices alone, that will make them ours. But if we hope to conciliate their affections by treating them as aliens and enemies, we may find ourselves egregiously deceived. We have been told, that “he who accepts protection, stipulates obedience.” But the Portugueze accepted our protection; therefore they stipulated obedience, and our Parliament may impose internal taxes in Portugal. “We protected the Dutch Provinces against the Tyranny of Spain;” therefore we may tax them. Syllogistical arguments of this sort only serve to make us laugh. The Americans are our fellow-

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citizens,

citizens, incorporated with us *ab origine* in political and natural association, making with us one whole of one society: but we except them out of the fundamental laws and maxims of our Constitution, which form the true compact that links us together, if we arrogate to ourselves exclusive rights and privileges, which we deny to them. They cease from that moment to be our fellow-citizens; we dissolve the tie, disfranchise and degrade them from their due state of equality; and having separated them from us by such an injurious distinction, we drive them to consider themselves at liberty to provide for their freedom and welfare in the best manner they can; for they will probably not deem themselves compellable to accept a form of government distinct from that which we retain to ourselves within the realm. The true supremacy in our system is the *salus populi*; this is our *suprema lex*, which controuls Parliaments, and to whose dictates their legislation ought to conform. The edicts of this supreme law are the rules and principles of our British constitution. To be continued in the peaceable and full fruition of the benefits derived under those rules and principles, is a rational protection; and to rely with secure confidence on the persons entrusted by public authority with that

that protection, is a rational dependance. The constitution is the genuine support of the supreme power, as it is the pledge of the liberty of the citizens, and the rational basis of their allegiance. But if I am left to depend on a protector who is entirely uncontroulable, I become the slave of his pleasure, and no longer the subject of a limited government, and a regulated authority. If the persons therefore entrusted with the public authority, invade the Constitution, and violate its rules, they may not only sap the foundation of their own powers, but discharge the citizens from their obedience. For the fundamental laws or maxims are ever excepted from the commission delegated to the legislative bodies of a free state, and cannot be impaired, abridged, or rescinded, without an authority given for that purpose in express terms; and since the legislative bodies derive their power from the constitution, it follows, that the Constitution itself is not submitted to their pleasure. We trace, by this means, the *supremacy* to its true seat, and find it reposed in the Constitution or fundamental laws; those *palladia* of our public freedom, and regulators of Parliamentary power.

Let us now quit the political, and view our fellow-citizens in a commercial light: and here the expediency of liberal union and solid friendship will be more conspicuous. Instead of *taxing*, we ought to assist them with our wealth in growing the commodities and materials, of which we are in constant want; such as hemp and flax, raw silk, madder, and the like. Our taxing them is only taking from the left hand to give to the right. But every ship-load of such commodities, which they can send us in exchange for our manufactures, must keep a certain proportionate quantity of our money at home, which otherwise would emigrate to foreigners; and of course it must so far tend to enrich us, and impoverish our European rivals. This I call a judicious and liberal mode of making the Americans the instruments of our profit; as it not only will augment our opulence, and promote our independence, but will administer new food to the industry of our brethren, and improve the friendly intercourse between us. If they carry on any *illicit traffic* to our detriment, this shews that our commercial regulations are not so efficacious as they ought to be; and it is incumbent on us diligently to apply that superior wisdom and power, of which we make so much boast, to make these regulations

gulations more perfect and effectual. We should consider, that, as their numbers increase very fast, the produce of their industry must augment in proportion; it is therefore our duty to find out markets for taking off the superfluity of every article of their growth, after satiating our own consumption; for, if we are unable to ease them of their annual produce, this inability will either turn their eyes to the assistance of a foreign consumption, or cast such a damp on their industry, as to divert them into manufacturing, rather than persevere in an unprofitable culture. We affect to be jealous of their going into manufactures which may clash with our own; but are they to be diverted from them by our shutting up their ports, and prohibiting their navigation? If we will not suffer them to be occupied in their sea-ports, we shall soon perceive them retired into the country districts, founding inland towns, and employing themselves, some as farmers and graziers, and the rest as manufacturers, mechanics, and artificers of every denomination. We are now impelling them on, with all the vehemence in our power, to embrace ways of living, and means of subsistence, which we have always exclaimed against as most pernicious to the interest of Britain. But oppression will neither

ther drive them to madness, nor divide them. They possess every advantage over us at present, that temper, firmness, reason, and unanimity, can give them. What is more, they have the whole trade of our West-India islands under their lock and key ; for, by withholding the necessary supplies of provisions and lumber for only one twelve-month, greater injury will ensue, both to those islands and the Mother Country, than twenty years can repair. Surely, nothing less than a phrenzy of the brain can persuade us, that, by urging them into such inimical courses, the smallest possible benefit will result either to our revenues, our trade, manufactures, or navigation. Let us hope, that this delirium will not much longer maintain its empire over our senses. If we mean, however, to drive on in our career, let us fairly analyze and explain our title in a clear, intelligible manner. Even the Roman pontiff, when he arrogated a *supremacy* over that very continent which has so bewildered our imaginations, alledged some grounds for his claim ; specious indeed ; but they were better than none. “ De apostolicæ potestatis
 “ plenitudine, autoritate *omnipotentis Dei*,
 “ nobis in beato Petro concessâ, ac vicari-
 “ atûs Jesû Christi, quâ fungimur in terris,
 “ *in perpetuum donamus, &c.*” But if, in
 the

the fancied plenitude of apostolic power, the successor of St. Peter gave and granted from pole to pole what was not his to give or grant, are we less insane when we assume to do the very same?

To conclude, Sir. I cannot but regard this as the great crisis of our American dominion. We have now the fairest opportunity possible of terminating the quarrel in a manner that will be honourable and beneficial to both parties. Let us nobly declare at once, that they have a British constitution; invite them freely to send their delegates, to ratify an unalterable compact with us, securing their liberties, and vindicating such of our own claims as are just and reasonable. Let us hear their grievances, and redress them. If it is equitable, that they should contribute a subsidy to ease our national burthens, let us impartially adjust with them the measure of it, and leave the mode of raising it to themselves. This, Sir, will be an eclarcissement suitable to our dignity and justice; it will establish mutual confidence and harmony; banish discontent; and unite us together in a combination of fortunes and interests, that no foreign endeavours, nor even time itself, shall be able to dissolve.

That

That you may, in your senatorial capacity, succeed in promoting this great end, is the sincere wish of,

S I R,

Your most faithful, humble servant.



F I N I S.

